

**SOAH DOCKET NOS. 582-08-3825 and 582-09-3548
TCEQ DOCKET NOS. 2008-0955-UCR and 2009-0350-UCR**

APPLICATION OF CITY OF ALTON TO	§	BEFORE THE STATE OFFICE
AMEND CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY (CCN) NO. 20809	§	
	§	
AND	§	OF
	§	
APPLICATION OF THE CITY OF MISSION	§	
TO AMEND CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY NO. 20768	§	
IN HIDALGO COUNTY	§	ADMINISTRATIVE HEARINGS

CITY OF MISSION’S MOTION FOR CONTINUANCE

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

COMES NOW, the City of Mission and files this Motion for Continuance requesting an additional seven days to file its Response to Exceptions to the Proposal for Decision (“PFD”) and Motion to Reopen the Record filed by the City of Alton and would show in support thereof the following:

I.

Lead Counsel for the City of Mission, Maria Sanchez, began new employment as in-house counsel with Austin Energy on August 2, 2010. Representation in this matter is now being assumed by other counsel within the Davidson & Troilo law firm, Patrick Lindner and R. Jo Reser, who require an additional seven (7) days to prepare the City of Missions’ Response to Exceptions to the Proposal for Decision and Motion to Reopen the Record. Counsel for City of Alton, Susan Maxwell in behalf of Emily Rogers, has agreed not to oppose said Motion for

Continuance. Ruth Takeda in behalf of Christian Siano, Staff Attorney, TCEQ Office of the Public Interest Counsel, likewise does not oppose said continuance.

II.

As further reason for said Continuance, Ivan F. Perez of Jones, Galligan, Key & Lozano, LLP, City Attorney for Mission, will be on vacation from August 5, 2010 to August 9, 2010. As trial counsel and City Attorney for Mission, Mr. Perez's assistance is needed for said Response.

III.

This request for continuance is not for delay only, but so that justice may be done.


IV.

For these reasons, City of Mission asks the court to continue this deadline for filing said Response for at least seven days until August 19, 2010.

Respectfully submitted,

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By: _____


Patrick W. Lindner
State Bar No. 12367850
R. Jo Reser
State Bar No. 16789500

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing City of Mission's Motion for Continuance was served upon the following parties by facsimile and/or first class mail on this 4th day of August 2010:


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Administrative Law Judge
State Office of Administrative Hearings
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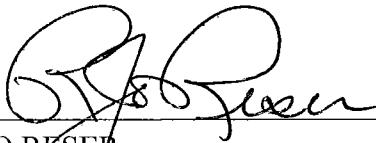


R. Jo Reser

AFFIDAVIT

I, R. JO RESER, having been first duly sworn according to law do hereby give the following as my sworn testimony. I am over eighteen (18) years of age, of sound mind and memory and otherwise competent to give this Affidavit. I am counsel for the City of Mission in SOAH Docket Nos. 582-08-3825 and 582-09-3548; TCEQ Docket Nos. 2008-0955-UCR and 2009-0350-UCR, Application of the City of Mission to Amend Certificate of Convenience and Necessity No. 20768 in Hidalgo County. I represent to the Court that this continuance is not requested for purposes of delay but solely so that the purposes of justice may be preserved.

Dated this 4 day of August, 2010.



R. JO RESER

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

SUBSCRIBED AND SWORN TO BEFORE ME on this 4th day of August, 2010, to certify which witness my hand and seal of office.





Notary Public, State of Texas